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09/516,949	03/01/2000	Roger H. Kuite	014801-001300US	2970
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TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER	
			KARMIS, STEFANOS	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/516,949	<b>Applicant(s)</b> KUIT ET AL.
	<b>Examiner</b> STEFANOS KARMIS	<b>Art Unit</b> 3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

1) Responsive to communication(s) filed on 10 February 2009.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-25 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-25 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. The following communication is in response to Applicant's amendment filed 10 February 2009.

***Status of Claims***

2. Claims 1, 16, 21 and 22 are currently amended. Claim 25 is newly added. Therefore claims 1-25 are currently pending.

***Response to Arguments***

3. Applicant's arguments have been considered but are not persuasive.

4. Applicant first argues that the prior art fails to teach "a smart card configurable to receive and store a transfer of benefits value in any of a plurality of benefit types, as generally recited in claim 1, 16, and 21. The Examiner respectfully disagrees. FoodReview teaches a smart card system for electronic benefits transfer in which a recipient's account resides on a microchip embedded in the electronic benefit card rather than a central computer (page 1, bottom).

Transactions are authorized between the card and the store computer directly (page 1, bottom). When new benefits are authorized each month, the recipient takes his or her card to the POS terminal located in retail foodstores where the amount is added to the card (page 1, bottom). Therefore, the smart card receives an amount from the POS and stores the amount in the embedded microchip for food benefits. Therefore this argument is not persuasive.

5. Applicant also argues that the prior art fails to teach “A selection by a patron of both: a) an amount of benefits monetary value to be transferred from the benefits storage device to a smart card; and b) a benefit type from the plurality of benefit types available for the smart card. The Examiner respectfully disagrees. FoodReview teaches that the recipient takes the smart card to a POS and selects to download the monthly amount (page 1, bottom; Examiner notes that recipient is selecting the amount by placing a card in the pos and downloading the monthly amount). FoodReview acknowledges that the EBT systems include the food stamp program as well as several other welfare programs (page 2, paragraph beginning USDA and page 3, paragraph beginning The results). However, even if FoodReview fails to teach a plurality of benefit types other than for food benefits. McDonald teaches electronic benefit cards for food benefits as taught by FoodReview, but also for other benefits such as welfare payments, Medicare payments and check-type payments (column 24, lines 38-67). Slater also teaches a stored value card that contains government benefits including social security benefits and other government benefits (column 7, lines 15-25). Therefore it would be obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of FoodReview to include a plurality of benefit types as taught by McDonald and Slater because it provides a way to distribute other benefits to recipients in a similar manner by downloading a value associated with the benefit onto the card.

6. Newly added claim 25 is addressed below.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald et al. (hereinafter McDonald) U.S. Patent 6,648,222 in view of Slater U.S. Patent 6,615,190 in further view of FoodReview's All Food Stamp Benefits to be Issued Electronically (hereinafter FoodReview).

Regarding independent claim 1, McDonald teaches a system for enabling an issuing authority to distribute benefits to a plurality of patrons, the system comprising:

at least one smart card associated with each patron of the plurality of patrons, the at least one smart card having a serial number and means for storing information, the smart card configured to operate in at least one of a plurality of benefit types (column 13, lines 50 thru column 14, line 18 and column 24, lines 47-67);

a central computer with access controlled by the issuing authority and having applications for processing benefits information, wherein:

the benefits information includes a benefits monetary value associated with each said patron (Figure 18; Examiner notes that each card has a benefits monetary value);

the central computer includes a benefits storage device for storing the benefits information (Figure 2, 18 and 25 and column 1, lines 40-41 and column 13, lines 50-60; Examiner notes that a customer account database maintains the benefits information); and

an entry means allowing the benefits provider to input or update the benefits monetary value to the benefits storage device (column 16, line 64 thru column 17, line 17 and column 24, line 47-67); and

an express vending machine having a bidirectional electronic connection to the central computer for accepting a transfer of at least a portion of the benefits monetary value to the at least one smart card, the express vending machine having a user interface for each said patron to request the benefits and a benefit type from the plurality of benefit types, and a read/write mechanism for reading the at least one smart card and writing the benefits monetary value and the benefit type to the at least one smart card (column 14, lines 11-51 and column 16, lines 6-22).

Slater teaches a computer system in which a sponsor funded stored value card with a serial number issued by an issuer to a cardholder and which a sponsor company that controls funding of the card (column 3, lines 16-45). The issuer grants the sponsor permission to access the account databases to input or update the benefit monetary value, the sponsor comprising a different entity than the issuing authority (column 4, lines 12-39 and column 5, lines 22-46). The cardholder can then use at ATM terminal with an interface and read/write mechanism to read the stored value card and access the value (column 5, lines 66 thru column 6, line 16).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of McDonald for distributing benefit types to specify that it is a sponsor company controlling the funding because it provides for streamlining payments and services to cardholders. Further both Slater and McDonald teach the use of such services in delivering government benefit applications (McDonald: column 24, lines 47-67 and Slater: column 6, lines 50-56).

Slater in view of McDonald fails to teach transferring of monetary benefit value from a benefits database to a smart card and writing the transferred value and benefit type to the smart card. FoodReview teaches a smart card system for electronic benefits transfer in which a recipient's account resides on a microchip embedded in the electronic benefit card rather than a central computer (page 1, bottom). Transactions are authorized between the card and the store computer directly (page 1, bottom). When new benefits are authorized each month, the recipient takes his or her card to the POS terminal located in retail foodstores where the amount is added to the card (page 1, bottom). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of McDonald in view of Slater to transferring and storing the benefits on a smart card and adding the amount to the smart card as taught by FoodReview because it provides for customer's who need benefits to have their benefits with them at all times and to conduct transactions without having to contact the host server.

Claim 2, McDonald teaches that the entry means for inputting benefits information is a terminal connected to the central computer by means of an intranet computer (Figure 27 and column 20, lines 27-30; Examiner notes that McDonald teaches a local network for connecting merchants with the system control center).

Claim 3, wherein the system for distributing benefits further comprises a smart card read/write device connected to the terminal for writing the at least a portion of the benefits monetary value to the at least one smart card (column 14, lines 11-51).

Claim 4, wherein the system for distributing benefits further comprises a web server connected to the central computer; and a remote terminal connected to the web server by means of an internet connection, the remote terminal for inputting benefits information (column 13, lines 50-60 and column 16, lines 6 thru 22 and Figure 23).

Claim 5, wherein the system for distributing benefits further comprises a smart card read/write device connected to the terminal for writing the at least a portion of the benefits monetary value to the at least one smart card (column 14, lines 11-51).

Claim 6, wherein the issuing authority is a transit system authority (column 14, lines 11-51).

Claim 7, wherein the at least one smart card is used for purchasing transit fares and parking fees from the transit authority (column 14, lines 11-51 and column 18, lines 22-51).

Claim 8, wherein the benefits provider is a welfare agency (column 24, lines 38-67).

Claim 9, wherein the benefits are for food expenses, and wherein the at least one smart card is used for purchasing food (column 24, lines 38-67).

Claim 10, wherein the express vending machine further comprises a station monitor and display system for connecting the express machine to the central computer, the station monitor and display system collecting transaction and maintenance data from the express vending machine (column 16, lines 6-63).

Claim 11, wherein the station monitor and display system forward the transaction and maintenance data to the central computer for consolidation and preparation of a plurality of management reports (column 16, lines 6-63).

Claim 12, wherein the express vending machine has an add value function for each said patron to add value to the at least one smart card separate and in addition to the benefits monetary value (column 16, lines 16-63).

Claim 13, wherein the benefits provider comprises one of a plurality of benefits providers, wherein the benefits provider is responsible for offering the benefits to a set of patrons of the plurality of patrons (column 24, lines 47-67). McDonald fails to teach that the benefits provider is liable to the issuing authority for the benefits monetary value distributed to the set of patrons. Slater teaches that the sponsor is responsible for the monetary value (column 2, lines 20-39).

Claims 14, McDonald fails to specifically teach that the benefits provider is a private employer. Slater teaches the use of the stored value card for private companies and public employers (column 7, lines 6-24).

Claim 15, wherein the benefits provider is a public employer (column 24, lines 38-67).

Regarding independent claim 16, McDonald teaches a method for distributing benefits to a patron of a plurality of patrons, the method comprising the steps of:

maintaining a benefits database in a central computer, the benefits database including benefits information for the plurality of patrons, the benefits information including a patron identifier and a monetary benefit value for the patron (Figure 2, 18 and 25 and column 1, lines 40-41 and column 13, lines 50-60; Examiner notes that a customer account database maintains the benefits information);

receiving, at the central computer system, an input from a benefits provider to increase the monetary benefit value for the patron; (column 24, line 47-67; Examiner notes that The Government sets up and transfers credits to defined subaccounts);

downloading at least a portion of the increased monetary benefit value to the smart card upon a request from the patron at a vending machine (column 14, lines 11-51 and column 16, lines 6-22); and

configuring the smart card for a particular benefit type from a plurality of benefit types (column 24, lines 47-67 and Figure 18).

Slater teaches a computer system in which a sponsor funded stored value card with a serial number issued by an issuer to a cardholder and which a sponsor company that controls funding of the card (column 3, lines 16-45). The issuer grants the sponsor permission to access the account databases to input or update the benefit monetary value, the sponsor comprising a different entity than the issuing authority (column 4, lines 12-39 and column 5, lines 22-46). The cardholder can then use at ATM terminal with an interface and read/write mechanism to read the stored value card and download/access the value (column 5, lines 66 thru column 6, line 16).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of McDonald for distributing benefit types to specify that it is a sponsor company controlling the funding because it provides for streamlining payments and services to cardholders. Further both Slater and McDonald teach the use of such services in delivering government benefit applications (McDonald: column 24, lines 47-67 and Slater: column 6, lines 50-56).

Slater in view of McDonald fails to teach transferring of monetary benefit value from a benefits database to a smart card and writing the transferred value and benefit type to the smart card. FoodReview teaches a smart card system for electronic benefits transfer in which a recipient's account resides on a microchip embedded in the electronic benefit card rather than a central computer (page 1). Transactions are authorized between the card and the store computer directly (page 1). When new benefits are authorized each month, the recipient takes his or her card to the POS terminal located in retail foodstores where the amount is added to the card (page 1). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of McDonald in view of Slater to transferring and storing the

benefits on a smart card and adding the amount to the smart card as taught by FoodReview because it provides for customer's who need benefits to have their benefits with them at all times and to conduct transactions without having to contact the host server.

Claim 17, wherein the step of maintaining a benefits database includes entering benefits data into the benefits database utilizing a remote terminal (column 16, lines 6-63).

Claim 18, wherein the remote terminal is connected to the main computer by means of an Internet connection (column 16, lines 6-63).

Claim 19, wherein the step of downloading includes requesting a claim at the vending machine; sending a request message to the central computer; sending a response message from the central computer to the vending machine, the response message containing an authorized value; writing the authorized value to the smart card; and sending a confirmation message to the central computer that the authorized value was written to the smart card (column 16, lines 6-63).

Claim 20, wherein the request message includes a serial number from the smart card, a sequence number and a requested value, and wherein the confirmation message is not received by the central computer further comprising the steps of: verifying the sequence number against a stored sequence number to determine whether the card has received the requested value in a prior transaction (column 16, lines 6-63).

Claim 21, McDonald teaches a system for distributing benefits, the system comprising:  
a benefits provider computer configured to:  
confer a transit benefit to a patron (column 14, lines 11-51 and column 24, lines 38-67).  
transmit data loading the monetary value of the transit benefit to the benefits data base for  
the patron (column 14, lines 11-51 and column 24, lines 38-67); and  
a transit authority computer for a transit authority, in communication with the benefits  
provider computer, and configured to:  
maintain a benefits data base including a monetary benefit value for the  
patron (column 14, lines 11-51 and column 24, lines 38-67);  
receive the transmitted data from the benefits provider computer directing the loading of  
the monetary value of the transit benefit to the monetary benefit value for the patron, the  
received data causing the benefits data base to reflect the loaded monetary value (column 14,  
lines 11-51 and column 24, lines 38-67 and column 15, lines 45 thru column 16, line 5); and  
transmit data to transfer at least part of the monetary benefit value for the patron from the  
benefits data base to a smart card (column 14, lines 11-51 and column 24, lines 38-67).

Slater teaches a computer system in which a sponsor funded stored value card with a  
serial number issued by an issuer to a cardholder and which a sponsor company that controls  
funding of the card (column 3, lines 16-45). The stored valued card may be issued to each  
employee by an issuer, on behalf of an employer (column 2, lines 20-39). The issuer grants the  
sponsor permission to access the account databases to input or update the benefit monetary  
value, the sponsor comprising a different entity than the issuing authority (column 4, lines 12-39  
and column 5, lines 22-46). The cardholder can then use at ATM terminal with an interface and

read/write mechanism to read the stored value card and download/access the value (column 5, lines 66 thru column 6, line 16).

It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of McDonald for distributing benefit types to specify that it is a sponsor company controlling the funding because it provides for streamlining payments and services to cardholders. Further both Slater and McDonald teach the use of such services in delivering government benefit applications (McDonald: column 24, lines 47-67 and Slater: column 6, lines 50-56).

Slater in view of McDonald fails to teach transferring of monetary benefit value from a benefits database to a smart card and writing the transferred value and benefit type to the smart card. FoodReview teaches a smart card system for electronic benefits transfer in which a recipient's account resides on a microchip embedded in the electronic benefit card rather than a central computer (page 1). Transactions are authorized between the card and the store computer directly (page 1). When new benefits are authorized each month, the recipient takes his or her card to the POS terminal located in retail foodstores where the amount is added to the card (page 1). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of McDonald in view of Slater to transferring and storing the benefits on a smart card and adding the amount to the smart card as taught by FoodReview because it provides for customer's who need benefits to have their benefits with them at all times and to conduct transactions without having to contact the host server.

Claim 22, wherein the transit authority computer is further configured to: receive a request to transfer at least part of the loaded monetary benefit value for the patron from the benefits data base to the smart card; and determine, in response to the request, to perform the transfer without first accessing the benefits provider computer (column 14, lines 11-51 and column 24, lines 38-67).

Claim 23, wherein the benefits provider computer is further configured to: transmit data to modify the monetary value of the transit benefit in the benefits data base for the patron (column 14, lines 11-51 and column 24, lines 38-67).

Claim 24, wherein the transit benefit comprises a selection from the group consisting of a rail benefit, a bus benefit, other transit benefits, a parking benefit, and any combination thereof (column 14, lines 11-51 and column 24, lines 38-67 and column 18, lines 23-30).

Claim 25, wherein the plurality of benefit types comprise an unrestricted stored value, rail value, parking value, bus value and general transit value (column 15, line 49 thru column 16, line 5 and column 17, lines 42 thru column 18, line 51; Examiner notes that the Remote Smartcards taught by McDonald can be used for benefits and transit. Modifying FoodReview to require that the card be used for transit benefits rather than food benefits would have been obvious to a person of ordinary skill in the art as explained above in the response to arguments).

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEFANOS KARMIS whose telephone number is (571)272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted  
/Stefanos Karmis/  
Primary Examiner, Art Unit 3693  
15 April 2009